

E-filed: August 6, 2012

Robert R. Kinas (NV Bar No. 6019)
Blakeley E. Griffith (NV Bar No. 12386)
SNELL & WILMER L.L.P.
3883 Howard Hughes Parkway, Suite 1100
Las Vegas, NV 89169
Telephone: (702) 784-5200
Facsimile: (702) 784-5252
Email: rkinas@swlaw.com
bgriffith@swlaw.com
Attorneys for The Crystals at CityCenter, LLC

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re

Case No. 12-16189-btb

Chapter 13

JACKIE L. ROBINSON,

Debtor.


**OBJECTION TO DEBTOR'S CHAPTER 13
PLAN**

The Crystals at CityCenter, LLC, ("Crystals") by and through its counsel, Snell & Wilmer L.L.P., hereby submits its objection to Jackie L. Robinson's ("Debtor") *Chapter 13 Plan* [Docket No. 2] (the "Plan").

DATED this 6th day of August 2012.

SNELL & WILMER L.L.P.

By:


Robert R. Kinas (NV Bar No. 6019)
Blakeley E. Griffith (NV Bar No. 12386)
3883 Howard Hughes Parkway, Suite 1100
Las Vegas, NV 89169
Telephone: (702) 784-5200
Facsimile: (702) 784-5252
Attorneys for The Crystals at CityCenter, LLC

///

///

///

///

MEMORANDUM OF POINTS AND AUTHORITIES

I.

RELEVANT FACTS AND BACKGROUND

1. Crystals is a plaintiff in a case pending in the Eighth Judicial District Court, Clark County, Nevada, Case No. A-11-636068-C (the “State Court Action”), whereby Crystals filed a complaint against the Debtor, Elysium Resorts, Inc., and Michael Bellon for breach of lease. *See Complaint*, attached hereto as **Exhibit A**.

2. The State Court Action was stayed when Debtor filed for Chapter 13 Bankruptcy Protection on May 24, 2012.¹

3. Debtor filed its Chapter 13 Plan on May 24, 2012 and a confirmation hearing was scheduled for August 20, 2012 (the “Confirmation Hearing”).

4. The 341 Meeting of Creditors was scheduled for July 10, 2012.

5. The 341 Meeting did not occur on July 10, 2012 and was taken off calendar on July 11, 2012. *See Docket*, attached hereto as **Exhibit B**.

6. At this time, the 341 Meeting has not been rescheduled.

7. The Confirmation Hearing remains scheduled for August 20, 2012.

II.

ARGUMENT

A. The Court Cannot Confirm the Plan or Hold a Confirmation Hearing because a 341 Meeting of Creditors has not Occurred

The Bankruptcy Code requires that the hearing on confirmation of the plan must be after the 341 meeting of creditors. 11 U.S.C. § 1324(b) (“The hearing on confirmation of the plan may be held not earlier than 20 days and not later than 45 days after the meeting of creditors.”). Here, Debtor did not appear at its 341 Meeting of Creditors and the 341 Meeting was taken off calendar. Crystals must be provided with an opportunity to attend a 341 Meeting before it can

¹ The State Court Action was also stayed as to Elysium Resorts, Inc., who filed its Chapter 7 Bankruptcy Petition on May 23, 2011.

1 determine whether to object to the Plan itself. Crystals requests that the Court schedule a 341
2 Meeting and continue the Confirmation Hearing to a date after the 341 Meeting.

3
4 CONCLUSION

5 For the reasons discussed above, Lender respectfully requests that the Court deny
6 confirmation of the Plan on the grounds that no 341 Meeting of Creditors has occurred as
7 required under the Bankruptcy Code.

8 DATED this 6th day of August 2012.

9
10 SNELL & WILMER L.L.P.

11 By: Blakeley E. Griffith
12 Robert R. Kinas (NV Bar No. 6019)
13 Blakeley E. Griffith (NV Bar No. 12386)
14 3883 Howard Hughes Parkway, Suite 1100
15 Las Vegas, NV 89169
16 Telephone: (702) 784-5200
17 Facsimile: (702) 784-5252
18 *Attorneys for The Crystals at CityCenter, LLC*

Snell & Wilmer

LAW OFFICES
3883 HOWARD HUGHES PARKWAY, SUITE 1100
LAS VEGAS, NEVADA 89169
(702) 784-5200